

REMARKS

I. Status

The Office Action indicates claims 1, 2, 4-6, 8-33, 35-37, and 39-62 to be pending in this Application. With this response, claims 1, 2, 17, 32, 33, 35-37, and 39-62 are amended. No new matter has been added.

Claims 1, 2, 4-6, 8-15, 32, 33, 35-37, and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly (U.S. Patent No. 5,740,549) and Husain (U.S. Patent No. 7,430,616).

Claims 16 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Husain, and Wong (U.S. Patent No. 5,542,115).

Claims 17-30 and 48-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Husain, and Lagimonier (U.S. Patent Application Publication No. 2003/0041265).

Claims 31 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Husain, Lagimonier, and Wong.

Claims 1, 17, 32, and 48 are independent.

II. Amendment of Independent Claims 1, 17, 32, and 48

With this response, Applicants amend independent claims 1, 17, 32, and 48. No new matter has been added.

Applicants respectfully submit that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... examining, at an apparatus in order to make a determination with respect to a user of the apparatus, one or

more messages received from a first node to be passed through to a second node ...”

as set forth in claim 1 as amended herewith (emphasis added).

As another example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“... examining, at the apparatus in order to make a determination with respect to a user of the apparatus, one or more of the messages to be passed through to the second node ...”

as set forth in claim 17 as amended herewith (emphasis added).

As an additional example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“An apparatus ...

wherein said program code, when executed by said processor, causes said processor to perform:

examining, in order to make a determination with respect to a user of the apparatus, one or more messages received from a first node to be passed through to a second node ...”

as set forth in claim 32 as amended herewith (emphasis added).

As a further example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“An apparatus ...

wherein said program code, when executed by said processor, causes said processor to perform:

... examining, in order to make a determination with respect to a user of the apparatus, one or more of the messages to be passed through to the second node ...”

as set forth in claim 48 as amended herewith (emphasis added).

Applicants respectfully observe, for instance, that Husain's cited discussion of column 2 lines 50-57 regarding intermediary computer systems fails to disclose, teach, or suggest that such an intermediary computer system examines in order to make a determination with respect to its own user, and instead merely discusses the intermediary computer system acting as a conduit in sending from the first computer system to the second computer system:

“[t]he portable message may be sent from the first computer system to a second computer system using peer-to-peer message passing between the first computer system, the second computer system, and optionally one or more intermediary computer systems. After being received at the second computer system, the portable message may be routed using DCI to an appropriate target application based on the metadata”
(see Husain col. 2 ln. 50-57; emphasis added),

where it is merely the second computer system that routes the portable message to a local target application.

In view of at least the foregoing, Applicants respectfully submit that claims 1, 17, 32, and 48 at least with the amendments herewith, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claim Rejections

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

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CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

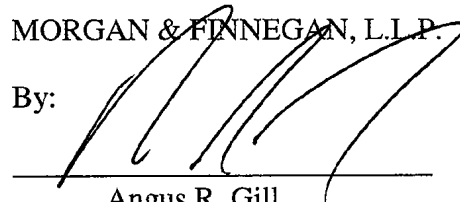
The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4139.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:

A handwritten signature in black ink, appearing to read 'Angus R. Gill', is written over a horizontal line.

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